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# NEWS FROM MONTANA'S CAPITOL

July 1988

Volume 2, No. 12

A Publication from the Office of the  
Coordinator of Indian Affairs

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Greeting from the Office of Indian Affairs. As most of you are aware, due to budget cuts, Council Signals was not published during the months of April, May, and June. Mr. Clayborn and I appreciate the many calls and letters we had inquiring about the missing issues of the newsletter. We deeply regret the delay in getting information to you on a timely basis; however, due to financial restraints it was beyond our control. Beginning with this issue Council Signals will arrive on your desk on a monthly basis.

Mr. Clayborn has been very busy since the last issue of Council Signals, working on items such as; jurisdiction, cross deputization, Indian Health Services, School Impact Funds, Indian Child Welfare Act, reservation gambling, fuel assistance programs, elderly programs, meeting with Tribal leaders, BIA and various service agencies, etc. Preparations for the next legislature session are underway.

I am enjoying my work as Administrative Assistant and look forward to working with: tribal governments, the general public and governmental agencies, providing information and assisting in any way possible. Don't hesitate to call this office if we can be of assistance.

Some of the items included in this edition of Council Signals may not be current but it was felt, that the importance of the information merits its inclusion. Have a nice summer.

Virginia K. Gilbertson, Administrative Assistant

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Press coverage of remarks made by President, Reagan to Soviet university student shocked and angered Native Americans. The following articles covers some of the press coverage of remarks made by the president.

COMMENTS INSULTING, INDIANS: MOSCOW STUDENTS QUESTION PRESIDENT ON HUMAN RIGHTS  
Billings Gazette, June 1, 1988

President Reagan told Soviet university students Tuesday that maybe the American people made a mistake when they "humored" Indians by giving them reservations rather than integrating them into society.

The head of the largest U. S. Indian organization called the remarks insulting. "Maybe we made a mistake" in trying to maintain Indian cultures, Reagan said in answering questions at Moscow State University. "Maybe we should not have humored them in that, wanting to stay in that kind of primitive lifestyle. Maybe we should have said, 'No, come join us. Be citizens along with the rest of us.'"

Reagan misspoke. Indians are citizens. All American Indians were made full citizens by an act of Congress in 1924. It wasn't until 1948 that this Country decisions gave them full voting rights in Arizona and New Mexico in local states elections



The 1980 census recorded 1.37 million Indians, of whom 332,000 were living on 260 reservations. In Washington, Suzan Shown Harjo, a Cheyenne and Creek who is executive director of the National Congress of American Indians, said, "I was appalled by the president's performance but not surprised...He has headed the worst administration for Indians since the days of our right warfare and extermination... "I found particularly insulting his statement that perhaps the United States should not have "humored them," meaning us," she said". Harjo's organization counts 3,500 individual members and tribes containing 850,000 members.

Responding to a student's question, Reagan said he would be "very happy" to meet with three Indians who went to Moscow during the president's summit meeting with Kremlin leader Mikhail S. Gorbachev. They went under the sponsorship of the militant American Indian Movement to call attention to their grievances, among them hunger and lack of housing among Indians. The president has never met with Indian groups.

Reagan told the Soviets that American Indians "from the beginning, announced that they wanted to maintain their way of life, as they had always lived there in the desert and the plains and so forth. And we set up these reservations so they could, and have a Bureau of Indian Affairs to help take care of them."

The president's remarks reflected decades-old oscillation in U. S. policy toward native Americans. The federal government, has flip-flopped on whether Indians should be encouraged to maintain their culture or abandon it and join the mainstream. Current policy is to maintain Indian cultures, treating the tribes as sovereign governments in their own right. From 1887 to 1934, official policy was to try to turn Indians into self-sufficient farmers. Although Franklin Roosevelt's administration reversed the policy and originated the "government-to-government" idea, the Eisenhower administration called for "termination" of tribes leading to assimilation of Indians in the larger culture. Sixty tribes were dissolved, though about half of those have been revived.

President Kennedy and Johnson reverted to a government-to-government policy, and President Reagan has reaffirmed it.

By any standard, Indians are among the poorest of the poor, but off-reservation Indians appear to do better than those on reservations. The 1980 census found 12 percent of the nation's population living in poverty, but among Indian poverty was found in 22 percent of those living off reservations and 41 percent of those on reservations.

Just this month, the Bureau of Indian Affairs released a report documenting performances on standard test by pupils in the schools it runs. They do worse than 79 percent of the nation's pupils overall.

Reagan told his Moscow audience some Indians "became very wealthy because some of those reservations are overlaying great pools of oil. And you can get very rich pumping oil."

Although some tribes distribute royalty revenue to members, others use the funds as tribal revenues. Tribal oil royalties soared with oil prices, rising from \$18 million in 1973 to \$147 million in 1982, but fell back to \$81 million last year as prices receded. These figures do not include the Osage Tribe in Oklahoma, which manages its own lands and collects its own royalties - by far the largest of any tribe. The 4,749

member tribe got \$71 million, about \$15,000 per tribal member, in 1981, when oil prices were peaking.

Gregory Frazier, president of the Denver-based National Urban Indian Council, "There are a few (Indians) who have done fairly well, but there are probably fewer than 100 Indians you could point and say, 'They've got some wealth,' but that's not oil; that's their own hard work." Frazier, a Crow, said he got a check for \$38 for oil royalties last year.

Frazier's group tries to make sure Indians living off the reservation aren't forgotten or written out of federal legislation, and tries to help those Indians use state and local welfare agencies. There are practically no federal programs devoted to off-reservation Indians.

Indians leave the reservation because of "education, jobs and politics," Frazier said. "Life can be very hard on a reservation if you're part of the 'Out' party."

"I'm a fan of the president, but the president is a little bit removed from the reality of American Indians" Frazier said.

INDIAN LEADERS RAP RESERVATION REMARKS (Montana Indian comments)  
Great Falls Tribune, June 21, 1988

A Montana Indian leader had a word of advice for Soviet leader Mikhail S. Gorbachev in light of President Reagan's comments about American Indians during the Moscow summit. "I hope the Strategic Arms Reduction Treaty (being negotiated) lasts longer than ours did," said Ed Parisian, superintendent of Rocky Boy schools and president of the NIEA. Hundreds of treaties between Indian tribes and the federal government didn't last very long, Parisian said. He was just one of several Montana Indian leaders who expressed shock Wednesday at Reagan's remarks that the American people may have made a mistake when they "humored" Indians by giving them reservations rather than integrating them into society.

When Indian tribes signed the Hellgate Treaty of 1855, they gave western Montana to the United States and kept the reservation lands for themselves, said Michael Pablo, chairman of the Confederated Salish and Kootenai Tribes. "I think President Reagan's need to take a short course in the history of the American Indian," Pablo said. The reservations are homelands for the Indians, Pablo said. For tribes to be self-sufficient, they must have a strong land base, he said.

Reagan's own Indian policy statement recognizes the special government-to-government relationship between the federal government and Indian tribes, Pablo said.

However, the chairman of an alliance working to correct "obsolete federal Indian policies" congratulated Reagan for his remarks. "This is the first stand by a national figure who really seems to have understood enough is enough," said Bill Covey of Big Arm, chairman of the Citizens Equal Rights Alliance. Covey said the Alliance was formed in March and represents 400,000 people in 13 states. It grew out of an organization founded in the Flathead Valley 12 years ago that has been known as Montanan's Opposing Discrimination and more recently, All Citizens Equal.

The Alliance sent Reagan a telegram saying: "We applaud your response to the American Indian questions raised at the Moscow University news conference. American Indian



leaders do not represent the rank-and-file Indians. In America we have established a new aristocracy, the Indian leader, at the expense of the constitutional rights of tens of thousands of American citizens."

The treaties between the federal government and the Indian tribes are outdated and need to be changed to protect the rank-and-file Indians and protect the constitutional rights of non-Indian, Covey said. Covey said he owns private land within the Flathead Indian Reservation, but tribal ordinances dictate what he can and cannot do with his own land. "I don't have a vote," he said. "I have government without representation. That's what the Boston Tea Party was all about."

Murt McCluskey, director of Indian education for Great Falls, said Reagan's comments showed his lack of understanding of problems affecting Indian people. The Reagan administration has cut support for programs that have helped Indian students, McCluskey said. Five years ago Great Falls public schools received \$180,000 for Indian education but now the district gets \$135,000 to \$140,000, he said. In addition, there's no assurance that programs will be continued from year to year, he said. When the Indian-education program began in 1975, there were only four Indian seniors in Great Falls, McCluskey said, but this year there were 56 seniors and 48 graduating. Four seniors that didn't graduate will be coming back in the summer or fall to finish, McCluskey said. "It's a lot of hard work by lots of people in our department as well as the school system to get them through," he said.

Almost 1,000 of the 13,000 students in the Great Falls public schools are Indian, more than in any school system in the state except Browning, McCluskey said.

Harold Gray, associate director of the Montana United Scholarship Service and a Native American studies professor at the College of Great Falls, said he was a boy when Reagan was in Montana to film "The Cattle Queen of Montana" with Barbara Stanwyck. "Here is the president of the United States who is no more informed about Indian people than the cowboy mentality obviously acquired from being in the movies," Gray said.

Although Reagan implied that Indians weren't American citizens in his remarks, the Indian Citizenship Act of 1924 made every Indian a citizen of the country, Gray said.

Ken Pepion, assistant director of the Native American Studies program at the University of Montana, was raised on the Blackfeet Reservation. Pepion said he thought it was perfectly appropriate for Gorbachev to draw attention to America's treatment of American Indians when Reagan had drawn attention to Soviet treatment of Jews and Afghans.

There was 20 million American Indians on the North American continent when Europeans arrived and now there are 1 million American Indians he said. "We talk about holocausts and violations of human rights. What does that indicate to us?" Pepion asked. Pepion said he thought it was ironic that Reagan was in Moscow to negotiate arms treaties, yet he knew absolutely nothing about the treaties made and broken with Indian tribes.

Reagan also overlooked the contribution American Indians have made to the United States, Pepion said. The government of the Iroquois tribes provided the basis for the Constitution, he said. Foods such as potatoes corn and beans were developed by American Indians, and words such as "OK" and the names of states such as "Nebraska" and "Dakota" are derived from Indian languages, he said.

DOES REAGAN THINK CUSTER WAS PATRONIZING INDIANS?

Billings Gazette, Roger Clawson at Large, June 2, 1988

Lt. Col. George Armstrong Custer chuckled as he squinted into the sun over the Washita River. Down the valley stood the lodges of the Cheyenne in the blue light of a winter morning in 1868. The bugler sounded "charge". Custer's band struck up the Garryowen, and the 7th Cavalry rushed to the slaughter of warriors, women and children.

Why were American soldiers killing Americans in Oklahoma? Some historians say the government was engaged in genocide. A pologists say Custer was protecting settlers from hostile Indians on the loose.

More than a century later, speaking in Moscow, President Reagan revealed what really happened. Custer wasn't just shooting and stabbing Indians. He was patronizing them.

Answering questions at Moscow State University Reagan told students that the U.S. may have made a mistake in trying to maintain Indian cultures. "Maybe we should not have humored them in that, (in their) wanting to stay in that kind of primitive lifestyle. Maybe we should have said, 'No come join us. Be citizens along with the rest of us.'"

Eight years after Washita, Lt. Col. George Armstrong Goldilocks led his boys in blue to the Little Big Horn where he met Crazy Horse, Two Moon, Gall, Sitting Bull and other surly fellows unable to take a joke.

Contemporary Indians were in an as foul a mood Wednesday morning. In Washington, Susan Shown Harjo, a Cheyenne and Creek who is executive director of the National Congress of American Indians said, "I was appalled by the president's performance but not surprised. He has headed the worst administration for Indians since the days of outright warfare and extermination."

In Helena, Donald L. Clayborn, an Assiniboine and Montana Coordinator of Indian Affairs, said Reagan's idea of "humoring" Indians has spelled massive cuts in federal cash for programs to protect Indian child welfare, provide job training or to fight drug abuse and alcoholism.

Though Reagan's remarks riled Indians across the nation, his treatment of them may not be racially motivated, Clayborn suggested. "He has done the same thing to Indian programs that he has done to programs affecting the poor and disadvantaged of all races."

Maybe the Old Redhead doesn't dislike Indians, maybe it's just poor people who try his patient. Maybe his message to Indians was: Get a job, save your money and you can be a Native American Republican.

Some Indians resented Reagan's reference to "citizenship" Indians were granted U. S. citizenship in 1924. Jill Plumage, an Assiniboine and director of the Billing Indian Center said: "We were citizens of our own country before his ancestors crawled ashore from their raft."

George Henkel, a Blackfeet and Executive Director of the Montana United Indian Association, was more understanding than some of the others. "Reagan doesn't really understand Indians. He relies on his staffers and most of them are crooks or incompetent."



Could be:

Or maybe the Prez is still upset with those Italian actors wearing paint and feathers who shot flaming arrows at the wagons in Death Valley Days.

#### NEW FROM ACROSS MONTANA

##### CROW PATRIARCH YELLOWTAIL DEAD

Billings Gazette, June 19, 1988 (in part)

A modern-day warrior, Robert Summers Yellowtail Sr., died Saturday morning in his sleep as his home south of Lodge Grass. He was 98.

He fought for the Crow Tribe in Washington, D.C., and stayed active in tribal affairs for 75 years. Funeral services have been tentatively scheduled for 2 p.m. Wednesday at Chivers Memorial Baptist Church in Lodge Grass according to Bullis Mortuary. Burial will be in Lodge Grass Cemetery.

Patriarch of the Crow Tribe, Yellowtail served as tribal chairman several times. The Bureau of Indian Affairs appointed him superintendent of the Crow Reservation, making him the first Indian appointed to a superintendent's post.

Yellowtail graduated from Riverside High School in California, studied law and planned a career as a lawyer. His involvement in politics and tribal work kept him from completing formal studies of the law, but the University of Montana Law School awarded him an honorary degree.

Yellowtail ran a successful cattle ranch at Lodge Grass. His long and dedicated services brought him great respect and admiration. He was regarded as the oldest Crow.

But Yellowtail himself said his most memorable experience was a war of words in the U. S. Capitol on April 6, 1917. On that day, all the great chiefs of the Crow Tribe had gathered in Washington, D.C., to finish a seven-year fight against homesteading on their reservations.

Plenty Coups, Two Leggings, Medicine Crow, Bird Hat and Spotted Rabbit converged on the Senate Indian Affairs Committee Room to defend their people against a proposal by Montana Sen. Thomas J. Walsh. The senator proposed to open the Crow Reservation to white settlement.

One of the most powerful men in Washington, Walsh had a formidable reputation as one of the best legal minds of the era.

The old chiefs did not speak English, so the future of the Crow Reservation depended on a 28-year-old law student, Robert Summers Yellowtail.

"The gallery was jammed full of spectators," Yellowtail recalled in an interview many years later. "They said I would have 18 minutes to answer Sen. Walsh, but I took 4½ hours."

"I talked off the cuff and from mental notes."



Yellowtail pleaded the case in the same legal terms that he used throughout his long political life, citing cases and relying on his vast knowledge of the history of the law.

World War I interrupted his speech. A bell called the Senate committee to a special assembly in which President Woodrow Wilson asked Congress to declare war on Germany.

The committee reconvened to hear Yellowtail's closing remarks. Walsh, seeing that the 16 committee members had been swayed by Yellowtail's speech, withdrew his proposal. The Crow Tribe had won.

During the Eisenhower administration, he was offered the office of Commissioner of Indian Affairs but turned it down.

"I never did get along with Indian Bureau, even when I worked for it," he told an interviewer many years later. He served 11 years as reservation superintendent.

Yellowtail Dam on the Bighorn River was named for him, but Yellowtail opposed the dam from the beginning and never changed his mind about it.

#### INOUE VISITS MONTANA

The following item is reprinted from the the Great Falls Tribune (May 4, 1988). Senator Inouye made the following remarks while on a visit to the Rocky Boy Agency.

#### INOUE: U. S. HASN'T MAINTAINED THE TRUST OF AMERICAN INDIANS.

The federal government has violated provisions in each of the 370 treaties it has ratified with America's Indian tribes, Sen. Daniel K. Inouye told about 70 persons at a morning meeting here Tuesday.

The meeting was the first in a day long series of tours and talks featuring Inouye, (D-Hawaii), and Sen. John Melcher (D-MT). Inouye is chairman of the Senate Select Committee on Indian Affairs and Melcher is the committee's senior member. The two are visiting reservations in a four-state area.

Throughout the day, Inouye held to a similar theme: "The government of the United States has not maintained the trust relationship (with the Indians). And the result is the mess you're in," he said.

The mess is demonstrated by the economic and social ills that plague the nations 1.5 million Indians, he said.

Inouye said that nationally, Indians have the highest rates of suicide, alcoholism, cancer and respiratory disease of any social group. The 47 percent unemployment rate is 10 times the national average, and it reaches 95 percent in some areas. He said unemployment at Rocky Boy, with a population of about 2,400, is roughly 60 percent. And he said none of that is going to change quickly.

"We have a long agenda, an agenda that will take more than our lifetime to finish," he said. "Life ahead isn't going to be easy but the time has come for the United States to pay up its debt in this trust relationship."

Inouye said that historically, Indian policy "had been made in Washington by people who had never been on a reservation, or seen an Indian.... These were the people who had made your solutions."

He said the committee has held more hearings and spent more time listening to Indians in the past year than in the six previous years.

He said that since he's been chairman, "I've spent more time in Indian country than in Hawaii because the problems are serious."

He added that for the first time in history, the senior staff members of the select committee are Indian. Alan Parker, the committee's staff director, grew up on the Rocky Boy reservation.

The topics most discussed throughout the day were health care, economic development and education.

Inouye, 63, promised three changes in Indian health care:

- .. By next year, federal health care workers will be paid as much as their counterparts in the Veterans Administration. He said that bonuses would also be paid to health workers on some reservations.
- .. There will be a survey of health-care centers to identify deficiencies.
- .. The government will conduct an intensive education program to help Indians learn better health habits so disease can be prevented.

In addition, both Inouye and Melcher said they would work to delay implementation of new eligibility requirements for Indians who need hospitalization.

The new rules, slated to take effect in March 1989, prevent the Indian Health Service from paying for the hospitalization of tribal members who live outside so-called Health Service Delivery Areas. Under the current rule, Indians who live in Great Falls, for example, would be ineligible for hospitalization come next March.

Melcher said "I'm very much alarmed that IHS is trying to promulgate more restrictions."

At the morning meeting the senators met with the delegations of tribal council members from Fort Belknap, Blackfeet and Salish Kootenai tribes. At that meeting, Earl Old Person, tribal chairman of the Blackfeet, said that the biggest problem facing the tribes is a lack of funds.

"The enemy that we have at all times...is money. That's the enemy. We never have enough money," he said.

Assurances for more money were given during the day.

For example, at a meeting with students of Stone Child College, Melcher, "we will, through Sen. Inouye, provide more funds for Stone Child."

Inouye's pending position as chairman of the Senate's Defense Appropriations Subcommittee is seen as a good sign by many at Rocky Boy, who said he will become



chairman next year, suggested he would work to target 1 percent of the defense procurement budget for Indian firms. That 1 percent, he said, could theoretically wipe out Indian Unemployment.

Rocky Boy, Fort Belknap and Havre's Big Bud Tractor Sales, are exploring a joint venture that could lead to the creation of a defense contracting firm. Rocky Boy's economic-development planner Ronnie Joe Henry said Inouye told him that if the firm were created, he would bring it to the attention of defense contractors for possible subcontracting work.

Henry said Inouye's apparent commitment to Indian employment, his position on the appropriations subcommittee and the likelihood that he will become Senate majority leader next year "is a big plus for us."

Melcher said Inouye has more committed votes for majority leader than anyone in the Senate and is expected to be chosen to replace Robert Byrd, D-W.Va.

At several times during the visit, prayers were offered by tribal members and gifts were given to the senators and staff members.

After receiving a war bonnet, Inouye said, "We in the committee are going to do our best, to put on this war bonnet if it comes to that, to force the government to live up to its commitments."

#### RESIDENTS PROTEST TRIBAL POWER

American Indian Report, Vol. 4, No. 5, May 1988

Kalispell, MT. Petitions bearing the signatures of more than 6,000 people from 31 states who want the state and federal governments to free non-tribal members living on the reservation from tribal jurisdiction were presented to Sen. John Melcher .

The petitions call for Congress, the president and state governors and legislatures to pass laws freeing them from tribal jurisdiction.

Petitioners call for Congress, the President and state governors and legislatures to pass laws freeing them from tribal jurisdiction. Petitioners said their constitutional rights are violated when they are subjected to reservation court procedures.

#### MONTANA'S DROUGHT:

Billings Gazette, June 30, 1988 (in part)

Many areas in Montana have been severely hurt by drought conditions. A number of counties have been declared disaster areas. As the severity of Montana's drought conditions increase, Governor Ted Schwinden has invited persons with drought-related problems to call Kathy McGowan, the citizen advocate in his office.

Agriculture related problems are being addressed by the federal government through a national hotline, Schwinden noted. Any Montanan having questions related to drought, including questions concerning water conservation, municipal water supplies, storage in state water project and the use of state forest, should call the Governors office.

## DROUGHT HELP

Billings Gazette, June 4, 1988

Rep. Ron Marlenee, R-MT announced this week that the U. S. Department of Agriculture has approved emergency haying and grazing of set-aside acres by farmers and ranchers in Montana's drought-inflected counties. Marlenee said, now producers in any of Montana's counties that are declared disaster areas, including those so designated later in the summer, will be permitted to hay and graze their set-aside acres once the state Agricultural Stabilization and Conservation Service gives the green light." Also, Deputy Secretary of Agriculture Peter C. Myers has confirmed that he will tour Eastern Montana with Marlenee on June 17. Marlenee and Myers will be assessing the damage caused by the drought. Their tour will begin in Havre, continue east along the Hi-Line and conclude in Miles City.

## COURT WON'T HEAR FLATHEAD APPEAL

Great Falls Tribune, May 1988

The U. S. Supreme Court refused Monday to hear an appeal by Montana farmers seeking to overturn a preference for Indian fisheries in distribution of water in the Flathead Valley.

The court, without comment, left intact a ruling that Indian fishing rights have priority over the irrigation needs of the farmers.

The 9th U. S. Circuit Court of Appeals, in a victory for the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana, said "aboriginal fishing rights secured by treaty are prior to all irrigations rights."

The appeals court dissolved a federal court injunction won by the Joint Board of Control of the Flathead, Missions and Jocko Irrigation Districts representing some 1,700 farmers.

The injunction would have barred, at least temporarily, the Interior Department's Bureau of Indian Affairs, which manages the districts, from distributing water supplies under a strategy favoring the Indians.

The injunction would give the board the right to participate in the bureau's deliberations on apportioning the water.

The appeals court said the injunction mistakenly was based on the rationale that the Bureau of Indian Affairs must give equal consideration to farmers' needs.

The appeals court said the BIA has a duty to treat the farmers fairly. But the appeals court said, "Only after the (Indian) fishery waters are protected does the BIA have a duty to distribute fairly and equitably the remaining waters among irrigators of equal priority."

The dispute over the water rights began in 1985 when the Indians determined that drought conditions threatened their water supply for fishing.

They sought to block the BIA from distributing water for irrigation in a manner that would deplete streams and reservoirs supplying their fisheries.



The tribes said the 1859 Treaty of Hell Gate gave them priority in allocating the water.

The BIA in 1986 adopted a strategy that provides greater protection for the tribal fisheries by assuring minimum stream flows and reservoir levels. The strategy prompted the competing claims by the board representing the farmers.

In Pablo, Confederated Salish and Kootenai Tribal Chairman Michael Pablo said he was delighted by the Supreme Court decision.

"It reaffirms all the past law and court cases that the treaty is still valid... and the treaty fisheries are guaranteed by that treaty, and our treaty is guaranteed by the U. S. Constitution," he said.

Pablo said he hopes that now members of the Joint Board of Control of the Flathead, Missions and Jocko Irrigation Districts will work with tribal leaders in developing a plan to efficiently use the water resources on the reservation in a way that benefits both Indians and others.

"Let's sit down and get things to where we can all benefit," he said.

Pablo also said he wishes the \$800,000 in legal fees paid during the past 2½ years to reach a final court decision could have been spent instead to develop resources on reservations.

"This decision is very good from the tribal standpoint," he said. "If we would have spent the \$800,000 to develop better management and technical systems and put them in place, we'd be \$800,000 and two years ahead of where we are right now."

#### CROW TRIBE CHOOSES REAL BIRD

The Billings Gazette, May 1988 (in part)

Crow Tribal Chairman Richard Real Bird won re-election by a slender margin of 29 votes in the five man race for the tribe's highest office, a tribal public relations officer said Sunday.

DeWitt Dillion, Crow information officer and a Real Bird supporter, reported Sunday that Real Bird received 749 of the 2,543 votes cast Saturday in the tribal chairman election.

Second in the vote count was Kayle Howe with 720, Dillon said Wesley Falls Down received 520 votes, while incumbent Tribal Secretary Truman Jefferson garnered 449 votes for the chairmanship. Last in the field of five was Lodge Grass Mayor Ronnie Pease with 105.

Real Bird won his second two-year term with only 29.4 percent of the vote. Dillon said the tribal election system doesn't require a majority vote for election.

"This is the system," Dillon said. "A lot of people are talking about primaries. Richard Real Bird agrees that we should have primaries and that we should hold tribal election on the day of national elections."

Asked if Real Bird would try to make those changes, Dillon replied, "There is tremendous resistance to change on this reservation."

Dillon said the tribal chairman "thanks all those little people who came down to vote for him. His door is open to them."

BURNS: RESERVATIONS DON'T WORK IN U.S.  
Great Falls Tribune, June 2, 1988

Republican U. S. Senate candidate Conrad Burns of Billings said he agree with President Reagan's recent assessment that the federal government may have made a mistake in creating reservations for the nation's Indians. "The truth is the reservation system is not working for our native people," he said in a news release. "High alcoholism rates, unemployment, unworkable governments, waste of valuable resources and opportunities, and immeasurable waste of human potential are not hallmarks of the Indian people Lewis and Clark found in Montana."

Burns criticized Democratic Sen. John Melcher for sponsoring legislation that increases the Indians' reliance on government. "Something has to be done to break the cycle of dependence which has been created by a century of benevolent intentions."

BLOCK GRANTS  
Billings Gazette, May 21, 1988

Five Montana Indian tribes have been awarded \$1,610,048 in community development block grants for fiscal 1988, according to Grady Franklin Maples, regional administrator for the U. S. Department of Housing and Urban Development. Tribes on the Fort Peck Indian Reservation will get \$310,048 for a youth development center to help fight drug and alcohol abuse. The Salish Kootenai on the Flathead Reservation will get \$325,000 for water system improvements and to rehabilitate 18 homes. The Chippewa Cree at Rocky Boy will get \$325,000 to rehabilitate 42 homes. The Blackfeet will get \$325,000 for building expansion of the Blackfeet Indian Writing Co. and to rehabilitate 24 homes. The Fort Belknap tribes will get \$325,000 for rehabilitating 40 homes. Community Development funds are earmarked for construction of public facilities, housing rehabilitation and economic development.

FLATHEAD COURT USES CIVIL FINES TO ENFORCE TRIBAL LAW  
American Indian Report, Vol. 4, No. 4. April 1988

The tribal court of the Confederated Salish and Kootenai Tribes of the Flathead Reservation recently ruled that it can impose civil fines against non-Indians who violate tribal laws.

Since a U.S. Supreme Court ruling some years ago that tribes do not have criminal jurisdiction over non-Indians, it has been difficult for tribes to enforce hunting and fishing laws against non-Indian violators.

If the Flathead ruling is upheld in appeals to federal courts, civil fines may become one way to enforce tribal hunting and fishing regulations and other tribal laws against non-Indians, provided the fines can be collected.



JUDGE LETS CROW HAVE TAX MONEY (In part)  
Billings Gazette, 5/27/88

Federal District Judge James Battin late Wednesday released over a half-million dollars to the Crow Tribe, a payment of taxes on Crow Coal from Westmoreland Resources placed under court jurisdiction April 29.

More importantly, Battin's action - accompanied by a memorandum and order - gives a strong hint that an effort by Midwest utilities to take part in the distribution of a \$28 million escrow account will not be successful. Oral arguments on the intervention question were held in Billings Wednesday morning.

In releasing \$556,920.63 to the Crow Tribe, Battin reconsidered a April 29 ruling that Westmoreland continue to pay its taxes into the escrow account that was created in 1982 while the validity of Montana's coal severance tax on Crow coal was being determined. In January, the U. S. Supreme Court ruled the Montana's tax did not apply to Crow coal including the tribe's coal outside the reservation boundary. Westmoreland is the only company mining Crow coal in the "ceded strip."

"The tribe's day-to-day operations can get back on its feet," DeWitt Dillion, public relation officer for Tribal Chairman Richard Real Bird, said Thursday. Dillon added that at least partial payments on the tribe's debts will be forthcoming.

(Up-date Billing Gazette, June 9, 1988.(in part) U. S. District Judge James Battin on Thursday denied a motion by several utilities that wanted to join the lawsuit and to challenge the tribe for rights to the money.

CHIPPEWAS WILL GET MONEY  
Billings Gazette, May 7, 1988

An estimated 3,600 Chippewa Indians on and around the Rocky Boy Reservation will each receive about \$1,750 this month as their share of a \$105 million settlement for a land sale to the government in 1890.

The \$6 million settlement, with more to come later, results from claims filed in the late 1940s by five Chippewa bands. They said the Indians were cheated when the federal government paid only 10 cents an acre for an area that included the Red River Valley and the Williston Basin in North Dakota.

"The older people are saying it's about time," said tribal member Don Good Voice. "The younger people don't really know the history behind it. They're just excited to get the money."

Ken W. Davis, Bureau of Indian Affairs superintendent at Rocky Boy, said that as many as 42,700 Indians could be eligible to share in the settlement. When Congress first made the appropriation in 1982 it was \$52.7 million, but the amount has grown as interest accumulated, Davis said.

Davis said the Rocky Boy Chippewa will be the first of the five bands to receive the money. He said he expects to receive the money about May 18 and to begin disbursing them soon after that.

Davis said about 2,200 of the reservation's 2,400 residents are eligible for the payments, and about 1,400 more who live in the area but off the reservation also are eligible.

The other bands that are eligible are the Turtle Mountain, Little Shell and White Earth bands of Chippewa and the non-tribal member Pembina Indians. Most live in the Dakotas and Montana.

Davis said Rocky Boy's total share of the settlement will probably be between \$10 million and \$11 million.

Twenty percent of the total settlement must go into a trust fund for specific tribal programs, and that will be about \$2 million, Davis said. He estimated that Chippewa of the Rocky Boy area will be entitled to an additional \$2 million to \$3 million when all the money is distributed, but he said that could take anywhere from one to five years.

The superintendent said the money cannot be considered for income-tax purposes or when any agency figures eligibility for any public assistance programs.

"The money is totally exempt," he said.

#### BLAINE, FORT BELKNAP TO WORK OUT EXTRADITION

Great Falls Tribune, May 16, 1988 (in-part)

Officials from Blaine County and the Fort Belknap Indian Reservation will meet Tuesday to discuss a proposed reciprocal extradition agreement between their law enforcement agencies. There is currently no formal arrangement between the separate jurisdictions, a situation that has allowed potentially dangerous suspects to avoid prosecution, Dept. County Attorney Dave Gorton said. "There is really no consistency right now," he said.

Federal law holds that reservations are sovereign territories, over which state and local law enforcement agencies have no authority. Therefore, tribal members suspected of crimes off the reservation must be formally extradited to non-tribal jurisdictions. Also, tribal members living off the reservation who are wanted by tribal authorities must be extradited before being turned over to the tribe by county or state officials.

Gorton said the absence of either a county or statewide extradition law or agreement has led to occasional problems.

Gorton said he believes tribal authorities support a formal extradition arrangement. Chief Tribal Judge Cranston Hawley declined to discuss the proposal.

Under the proposed agreement, tribal officials would submit their arrest warrant to county officials when they want to pick up a tribal member living off the reservation. After the arrest, the suspect would appear in either justice or district court and be informed of the charges and of the request for extradition. If the defendant denied being the person sought, a hearing would be held to address the question of the suspect's identity.



The same basic procedure would apply to arrest warrants issued by the county on tribal members who live on the reservation. Tribal authorities would serve the warrant, and the tribal court would hold the hearing.

The proposal explicitly designates that only the tribal court and the county's justice and district courts could use the agreement. The agreement could not be used by other agencies wishing to arrest tribal members, Gorton said.

Gorton called the proposal, "an interim measure," designed to fill a legislative gap. What is needed, he said, is a state law that provides for extradition between counties and reservations.

"This is an excellent opportunity for two (government) entities to get together and solve a problem that really needs a more comprehensive solution," he said.

A solution may be debated during the next Legislature. Clay Smith, assistant attorney general, said proposed legislation has been drafted that would allow tribal officers to request extradition of tribal members living off the reservation. Currently, he said, there is a question whether state courts can honor tribal warrants, which the Legislature could clear up.

The proposed legislation has been submitted to the Indian Affairs Committee for consideration.

#### ITEMS OF INTEREST FROM WASHINGTON AND OTHER SOURCES:

##### 1953 Termination Resolution Finally /Repealed

News Release - Select Committee on Indian Affairs, Washington, DC

Senator Daniel K. Inouye, Chairman of the Select Committee on Indian Affairs, has announced an action by the United States Senate and the U. S. House of Representatives that has been awaited by Indian tribal governments and individuals for over thirty years -- the repeal of House Concurrent Resolution 108. The repeal language is part of H. R. 5, the major education reauthorization bill which was passed in final form by the House on April 19 and the Senate on April 20.

Noting that termination policy has not been fully discredited, the Chairman said that "the Indian nation of the United States can rest easier with the knowledge that termination is no longer even a possible threat. Termination was a doomed policy from its inception primarily because it was both morally and legally indefensibly."

House Concurrent Resolution 108 was approved by the 83rd Congress on June 9, 1953, and set forth a Congressional policy of termination of the federal-tribal relationship with all tribes in certain named states and with named tribes in other states. Subsequent to the resolution, certain tribes were in fact terminated. Although the policy of termination has been soundly rejected by the presidents, until now the Congress never officially rejected the resolution itself. While a resolution does not have the effect of law, the failure of Congress to expressly repudiate it has been seen by many Indians as a lingering threat to the federal-tribal trust relationship. Most of the tribes "terminated" under the policy in the early 1950's have now been restored to their former status as federally recognized tribes by the Congress.

Chairman Inouye praised the work of the other members of the House of Representatives, particularly Congressman Dale Kildee, a member of the House Education and Labor Committee, in making this very significant overture to the Nation's First Americans.

"The wholesale breach of the long-standing trust relationship between the Indian tribes of this Nation and the federal government must never again be considered without the consent of the tribes involved," said Senator Inouye.

#### CHURCH LEADERS ISSUE APOLOGY TO INDIANS

NARF, Legal Review, Vol. 13, No. 1, Winter 1988 (in-part)

On November 21, 1987 at the site of an ancient burial ground in downtown Seattle, Washington, a formal Declaration of Apology was presented by ten major Christian denominational leaders of the region to the tribal councils and traditional spiritual leaders of the Indian and Eskimo peoples of the Pacific Northwest.

The Declaration was for their church's participation in the destruction of Native American religions. In the statement, the leaders formally recognized customs and beliefs, the protection of sacred sites for religious purpose, and the use of objects such as feathers and tobacco for religious purposes. The churches also pledged support in upholding the American Indian Religious Freedom Act of 1978.

Along with the document a gift of \$1,000 was given to the Native American Rights Fund for use in its religious freedom efforts on behalf of Native Americans. For the past 17 years, NARF has worked to protect the right of Native Americans to practice their traditional religions. This year the U. S. Supreme Court will review two Indian religious freedom cases in which NARF has filed amicus curiae (friend of the court) brief.

#### INDIANS SEEK TO PROTECT GAMBLING

Independent Record, June 20, 1988

The National Congress of American Indians has sent a request to Congress that it protect reservation from state regulations.

Delegates to the 305-tribe organization's mid-year conference adopted a resolution Friday calling for defeat of a Senate bill authorizing states to license Indian gambling operations.

Currently, tribal governments can license any kind of gambling allowed under state law without state regulation. The Senate bill would allow states to require that reservations obtain licenses.

Speakers told delegates the bill might pave the way for reductions of reservation autonomy.

#### NAVAJOS MAY ISSUE OWN CAR TAGS

American Indian Report, Vol. 4, No. 5, May 1988.



The navajo tribe is considering a proposal to issue its own license plates and vehicle registration to families living on the reservation.

The proposal may be considered during the tribal council's summer session.

Proponents of the plan say it could gross \$5 million and provide jobs.

SENATE PANEL CONDUCTS HEARING ON COLUMBIA RIVER INDIAN FISHERY MANAGEMENT  
Press Release, Select Committee on Indian Affairs, April 22, 1988

Management of the Columbia River Indian fisheries was the subject of a lengthy hearing conducted earlier this week in Washington, DC, by Senator Daniel J. Evans (R-WA), and Senator Daniel K. Inouye (D-HI) of the Senate Select Committee on Indian Affairs.

The hearing focused on the Lacey Act amendments and a 1939 agreement to provide 400 acres of in-lieu fishing sites which to date, only 41 acres have been provided for Indians.

Witnesses at the hearing included council members of the Yakima Indian Nation, the Nez Perce Indian Tribe, and the Confederate Tribes of the Warm Springs Reservation. In addition, testimony was gathered from representatives of the Justice Dept., Bureau of Indian Affairs, the Department of Defense, and U. S. Department of Commerce. Also present were some traditional Indian fisherman who still make their homes along the Columbia River.

Officials testified on amendments to the Lacey act used recently to prosecute alleged fishing violations by Indians in Federal courts including the highly publicized Salmonsam case involving David Sohapp, Sr. and four other Yakima fisherman.

During the hearing, Senator Evans stated his conclusion that "Indian tribes, not the Federal government, should bear primary responsibility for enforcing tribal laws. In this sense, I believe that the Lacey Act has been wrongly applied. Tragically, several Indian fisherman were caught in the middle of a struggle between two sovereign governments; a struggle, I might add, that should not have taken place."

The senate panel also heard testimony with regard to the 1939 commitment of the Federal Government to acquire 400 acres for access to the Columbia River to Indians whose traditional fishing sites were cut off by construction of the Bonneville Dam. A witness representing the Army Corps of Engineers agreed that additional sites were needed, and expressed a commitment to work with the four Columbia River treaty tribes to identify additional sites.

"The 1939 agreement to acquire in-lieu fishing sites represents a solid commitment by the Federal Government to the Indian tribes along the river to compensate them for their fishing sites taken as a result of the construction of the great mainstem hydro-electric dams. I believe it is time for us to honor this commitment, and I will make every effort to achieve this end," said Senator Evans.

TRIBES FEAR CIVIL RIGHTS PROBE TO END IN FEDERAL INTERFERENCE  
American Indian Report, Vol. 4, No. 5, May 1988

Many tribal leaders are hostile towards a U.S. Civil Rights investigation of civil rights violations on Indian reservations.

David Hutchinson, a former tribal judge and now executive officer of the Oregon Commission on Indian Services said tribal leaders fear the national investigation will lead to more involvement for federal courts in Indian affairs.

Hutchinson told the Associated Press people are nervous because they are afraid the investigation is going to be used to further diminish Indian sovereign rights.

The commission is expected to make recommendations later this year for changes in the 1968 Indian Civil Rights Act.

Among the changes being discussed is increased federal court involvement in deciding tribal matters. According to a 1978 Supreme Court Decision, federal courts do not have jurisdiction in Indian matters on the reservation.

#### H.R.3927 WOULD CREATE SEPARATE INDIAN HOUSING ASSISTANCE

HAC News, February, 1988

House Housing Subcommittee Chairman Henry Gonzalez (D-TX) introduced H.R. 3927, a bill "to establish a separate program to provide housing assistance for Indians and Alaska natives," on 2/9/88. The bill would establish a new HUD self-help housing program for Indians. A hearing was held on 2/24/88.

(UP-DATE - 6/16/88; HAC NEWS: MEASURE HAS NOW PASSED BOTH HOUSE AND SENATE AND SENT TO THE PRESIDENT FOR HIS SIGNATURE).

#### GAMBLING BILL COMPROMISE THREATENS SOVEREIGNTY

Commission on Indian Services Newsletter (Oregon), May 2, 1988

A proposed amendment to pending Indian gambling legislation could diminish tribal sovereignty if passed in its present form.

Rep. Tony Coelho (D.CA), a ranking member of the House Interior Committee, is pushing a proposal that would allow states to subject all Class III gaming on Indian reservations to state civil and criminal jurisdiction. An alternative to the Coelho amendment proposed by Rep. Morris K. Udall, would also give Congressional approval to the exercise of state civil and criminal jurisdiction over Class III gambling.

The Gambling legislation, H.R. 507, defines Class III gaming as all games not included in Class I (unregulated games) and Class II (card games, bingo, lotto, pull-tabs, punch board, instant bingo and other games similar to bingo).

#### INDIAN CHILD WELFARE ACT

Indian News, Vol. 12, No. 9, May 13, 1988

Statement of Ross O. Swimmer, Assistant Secretary-Indian Affairs, Dept. of the Interior, before the May 11, 1988 hearing of the select committee on Indian Affairs, United State Senate, on S. 1976 a bill "to amend the Indian Child Welfare Act and for other purposes."



Mr. Chairman and members of the Committee, I am pleased to be here today to discuss S. 1976, a bill to amend the Indian Child Welfare Act (ICWA).

We are strongly opposed to S. 1976 and will submit a substitute bill in the near future that will address our concerns discussed here today.

The ICWA is fraught with complicated issues. We must struggle with the rights of the child, who must be placed in a foster or adoptive home, to have a secure home as quickly as possible, the rights of parents to choose to place a child for adoption and to have some say in that placement, and the rights of a tribal court to exert jurisdiction over tribal members. We believe that the best interest of the child and the appropriateness of ICWA applying to a child should be continually kept in mind.

We do not believe that S. 1976 adequately addresses the consideration of the best interest of Indian children. Only once in the amendments is "the best interest of the child" specifically addressed. The premise of the Act is considered to be "The best interest of the Child". However, it does not acknowledge the child's right to a family or permanency.

S. 1976 loses sight of our goal of protecting the best interest of Indian children. Without going into a section-by-section discussion of the bill I would like to mention those areas we believe should be closely considered by the Committee and where we disagree with the intent of S. 1976.

1. Should Congress remove the right of Indian parents to voluntarily place a child with a non-Indian family?

In a voluntary placement the "best interest of the child" may very well be with the family chosen by the Indian parents. The individual rights of the parents must be considered and carefully weighed against the rights of the tribe to exert jurisdiction and consider a different placement.

2. Should Congress give a tribal court jurisdiction over an Indian person who has never lived within the jurisdiction of that court?

We do not believe that Indian parents and their children should have to return to the reservation of their tribe which is often in another state for a court proceeding concerning the child. Non-Indians are not required to do anything comparable. Again, the best interest of the child and the rights of the parents must be weighed against the rights of the tribe to exert jurisdiction.

3. Does Congress want to require "open adoptions" to the extent that the biological parents and their family would be allowed to visit the child even if the adoptive parents would not agree to such terms?

Such an arrangement may not always be in the best interest of the child and should be left to agreement between the biological parents and the adoptive parents. ICWA should not impose so many restrictions on non-Indian families that such families would no longer be available as possible resources.

4. Does Congress want to extend ICWA to Canadian Indians?

We do not believe this is appropriate and have consistently excluded Canadian Indians from policies affecting Indians of the United States.

5. Does Congress want to expand the definition of "Indian child" and Indian tribe" far beyond the current definitions which center around membership and federal recognition?

The issue of tribal membership and cultural identity is a sensitive one. The courts have been clear about the rights of tribes to determine their membership. However, we must understand the complexity of the membership issue as it relates to ICWA. Out of some 500 tribes and Alaska Natives villages there are approximately 300 that have some sort of membership or census roll.

S.1976 expands the definition of Indian child far beyond the current definition which applies the Act to a child that is a tribal member or is eligible for membership and has a biological parent who is a member of the tribe. If a parent is not a member of a tribe, then would the child be raised with a tribal cultural identity? Should the tribe have exclusive jurisdiction over this child? Would it be in the best interest of this child to limit placement into an Indian home? We believe that the answer to these questions is probably no and ICWA should not apply to this child.

If, on the other hand, a child is to be placed for adoption and one or both parents is a member of a tribe and relates to the tribe in some way, then chances are that that child would be raised with some tribal identity and indeed the placement of this child by a tribal or state court in an Indian family (where one is available) may be in the best interest of the child.

We strongly oppose the expansion of the definition of Indian child and recommend that the definition should not only contain a membership requirement but also that the domicile of the birth parent or parents is in Indian country. If the family is not domiciled in Indian country we believe that the appropriate state court should have jurisdiction over the proceeding but that the priority list currently under ICWA for foster care and adoption placements should be followed unless the best interest of the child requires a different placement.

We estimate that implementation of S. 1976 would cost the BIA approximately \$7 million. The cost to the states and individuals involved would certainly raise this figure substantially.

Mr. Chairman, we have serious concerns about these issues. As I stated earlier, we will be sending a draft bill to meet our concerns in the near future and ask that the Committee not act on S. 1976 until you can review our draft. I am certain that by working together we can agree on a bill that will address the most important issue - the "best interest of the Indian child."

This concludes my prepared statement, I will be happy to answer any questions you may have.

THE FOLLOWING IS A LETTER FROM THE SECRETARY OF THE INTERIOR, DONALD PAUL HODEL, TO SENATOR DANIEL K. INOUE, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS.  
Indian News, Vol. 12, No. 9., May 13, 1988.

Dear Mr. Chairman:



I am extremely alarmed over the provisions of S. 1976, a bill to amend the Indian Child Welfare Act. My concerns are such that I have asked Assistant Secretary Swimmer to request permission of the Chairman to incorporate this letter in the record when he testifies on the bill.

The three branches of the Government of the United States frequently are called upon to deal with the complex issues which arise when Indian tribes, states and the federal government each seek to exercise sovereignty over matters of persons of interest to them. The reasonable balancing of interests between such entities, always bearing in mind what is in the best interests of Indians as individual human beings, is not always easy.

I believe strongly that it is clear that this bill fails the test of reasonable balance. It would skew the balance in a manner which is wholly unacceptable to the Department of the Interior and should be unacceptable to any persons who are concerned about human rights issues, especially including the human rights of children.

Although there are multiple flaws in the bill, we call your attention to three, fundamental objections:

First The bill is anathema to the salutatory constitutional principle that legislation cannot stand if it makes classifications and distinctions based on race. If enacted, this bill would subject certain Indian children to the claim of jurisdiction of an Indian tribe solely by reason of the children's race. For example, under section 101(b) of the bill, if a tribe seeks transfer of a child custody or adoption case from state court to the tribe, the parents' objection to such transfer will be unavailing unless the objection is "determined to be consistent with the best interests of the child as an indian.... (emphasis added). The provision ignores all other aspects of the child's status as a human being. That, in my view, is pure racism.

The Fourteenth Amendment to the Constitution was adopted to protect the rights of the individual against classifications based on the individual's race. This bill cannot be reconciled with that guiding principle. It is not enough to say "but, this is 'Indian legislation.'" Indians are, and certainly should be, entitled to the basic protections of the Constitution even when those protections would be denied by "Indian legislation." See Hodel v. Irving, 107 S. Ct. 2076 (1987) (Just Compensation Clause of Fifth Amendment).

Second. The bill is contrary to what I believe is sound, prevailing public policy in this country -- in adoption and child custody cases, it is the interests of the child which are of paramount importance. This bill subordinates the best interests of the child to that of the tribe. While we all can agree that a child's knowledge of and exposure to his or her cultural heritage can be a vital and valuable aspect of the child's personality and value system, it is wrong to elevate that concept to a point where it overrides virtually every other concern bearing on the fundamental well-being of the child.

Third. At least the current Act limits the jurisdictional claim of the tribe to children of tribal members. Such membership typically is obtained by voluntary enrollment or at least can be terminated by the Indian's voluntary act, thereby creating a situation where the tribal member arguably may be said to have consented to application of tribal law. This bill, however, extends the jurisdictional reach of the tribe to children whose parents need not be tribal members. Indeed, the parents



and other ancestors of the child may have had no connection with the tribe, perhaps for years or even generations.

In such circumstances, it seems to me that the state in which the parents and child are domiciled does have a proper and overriding interest to see to it that its processes, not those of the tribe, are invoked to assure that the child custody or adoption proceeding will result in protecting the best interests of the child.

The bill does substantial violence to important constitutional principles and to sound public policy. Mr. Chairman, you may wish to inquire of Assistant Secretary Swimmer about the accusations frequently leveled against the United States for its treatment of Indians when the issue of human rights within the Soviet Union arises. Enactment of this bill in the name of "Indian legislation" simply will provide significant fuel to that fire. The bill should not be enacted.

Sincerely,

Donald Paul Hodel

NATIONAL MUSEUM OF THE AMERICAN INDIAN

News Release - Select Committee on Indian Affairs, April 11, 1988

Senator Moynihan and Senator Inouye reached agreement today on a proposal that would provide for the establishment of the National Museum of the American Indian as a federally-chartered Institution to be administered and operated by the Smithsonian Institution on the National Mall in Washington, DC. The agreement would also authorize a long-term lease of the U. S. Custom House at 1 Bowling Green in New York City to house the Native American collection of the Museum of the American Indian Heye Foundation of New York. The agreement further provides for a financial commitment by the City of New York and the State of New York for the capital construction and operating costs associated with the Heye Museum's occupancy of the Custom House.

Under the terms of an affiliation agreement between the Heye Museum and the National Museum of the American Indian, the National Museum of the American Indian would have access to significant and exemplary objects and artifacts from the Heye Museum collection. The Moynihan-Inouye agreement provides for the establishment of a memorial to the American Indian to honor and commemorate the contributions made by Indians and Alaska Natives within the National Museum, and authorizes a task force to study and make recommendations to the Congress relative to the disposition of Native American skeletal remains currently in the possession of the Smithsonian's Museum of Natural History. Regional facilities of the National Museum of the American Indian are also authorized to be established, as earlier proposed in a bill (S. 1723) that was introduced by Senator Jeff Bingaman of New Mexico.

The Moynihan-Inouye agreement, which will be proposed for incorporation into an amendment in the nature of a substitute to S. 1722, the National American Indian Museum and Memorial Act, Committee business meeting that has been scheduled for April 13, 1988. If adopted by the Select Committee and the Committee on Rules and Administration, the amendment in the nature of a substitute to S. 1722 will be reported to the full Senate.



## COURTS      LEGISLATION

### DISTRICT COURT SAYS "NO" TO TAXING OF FEE PATENT LAND Indian News, Vol. 12, No. 11, June 10, 1988

A United States District Court Judge in the Eastern District of Washington has ruled that Indian owned fee patent lands within the exterior boundaries of the Yakima Indian reservation are not subject to property taxes. Federal District Court Judge Alan A. McDonald said in his opinion "the county of Yakima is prohibited from the levy, imposition or collection of ad valorem property taxes upon fee patent land of the Yakima Nation, and its tribal members who have not severed tribal relations, within the exterior boundaries of the Yakima Indian reservation." He also said "to rule otherwise, would allow for the checkerboard jurisdiction that Congress and the (U.S.) Supreme Court have discredited." The court took into consideration the fact that all recent congressional legislation is aimed at strengthening tribal governments and their relationship with its members. The case grew out of a proposed 1987 property sale by Yakima County for back property taxes owed by a number of Yakima Indians. The lawsuit was filed by the Yakima tribe and an injunction restraining the county from going through with the sale was granted late last year shortly before the scheduled public sale date. There are approximately 4,500 tribal members who reside on the Yakima reservation with 104 individual members owing 139 parcels of fee patent land.

### TRIBAL COURT REFUSES ADOPTION, ALLOWS COUPLE GUARDIANSHIP American Indian Report, Volume 4, No. 5, May 1988

The Navajo tribal children's court will allow a California couple to raise the 9 month old Navajo baby girl who has lived with them since birth, but it will not grant the parents' request to adopt the girl.

The court agreed to allow Cheryl and Rick Pitts of San Jose, CA to retain temporary custody of the baby, Allyssa Kristian Pitts, pending the final disposition of the case.

Allyssa's natural mother, Patricia Keetso, gave the baby to the Pittses for adoption after answering their adoption wanted ad in a newspaper.

But several weeks ago a CA Superior Court judge ordered the Pittses to surrender the baby to tribal officials because the baby's natural mother is a legal resident of the Navajo reservation.

Under the federal Indian Child Welfare Act tribal courts decide the future of Indian children put up for adoption. The act was passed because tribes feared that Indian culture would be eroded if tribal children are adopted by non-Indians living off the reservation.

The Pitts family had filed a petition for the adoption of Allyssa in Navajo tribal court withing 10 days of her birth. No answer was received until shortly before the baby was surrendered to tribal social workers.

Under this compromise, the Pittses will be granted permanent guardianship preventing Keetso from ever claiming custody of the child. However, Keetso and her extended

family will be granted liberal visitation rights assuring the Allyssa will have contact with her Indian family.

#### HIGH COURT TO LOOK AT INDIAN ADOPTIONS

Indian News, Vol. 12, No. 10, May 27, 1988

The U. S. Supreme Court has agreed to look at the case of an adoption by a white Harrison County, MS., couple of twins born to two Mississippi Band of Choctaw tribal members in 1985. The children were born at a hospital off the reservation and immediately given up for adoption. When the tribe tried to revoke the adoption, Mississippi courts refused, saying the tribe had no jurisdiction over the babies because they had never lived on the reservation. The tribe appealed to the high court, claiming that the Indian Child Welfare Act gives tribal courts exclusive jurisdiction over adoption of Indian children. The court will hear arguments this fall.

#### SUPREME COURT RULES AGAINST THREE INDIAN TRIBES

Indian News, Vol. 12, No. 8, April 28, 1988

A sharply divided U. S. Supreme Court has ruled that three Indian tribes in California have no constitutional right to block a planned U. S. Forest service road near sacred grounds, even if the project would "virtually destroy the Indians' ability to practice their religion." Writing for the majority, Justice Sandra Day O'Connor said the Constitution simply does not provide a principle that could justify upholding the Indians' claim that the road project violates their First Amendment right to practice their religion. "Government simply could not operate if it were required to satisfy every citizen's religious needs and desires," O'Connor wrote. Justices William Brennan, Jr., Thurgood Marshall and Harry Blackmun accused the majority of misreading and narrowing prior freedom-of-religion cases to produce a "cruelly surreal result...that governmental action that will virtually destroy a religion is nevertheless deemed not to 'burden' that religion."

The case, Lyng v. Northwest Indian Cemetery Protective Association, involved a decade-long dispute over a six-mile segment of a government road project through a 25-square mile area in Six Rivers National Forest in northwestern California. The road was the final link in a paved 75-mile road connecting the California towns of Gasquet and Orleans. The area has been used for religious purposes for at least 200 years by the Yurok, Karok and Tolowa Indians. Chief Justice William Rehnquist and Justices Byron White, John Paul Stevens and Antonin Scalia joined O'Connor in the 5-3 vote.

#### ENTITLEMENT TO FEDERAL BENEFITS

Commission on Indian Services Newsletter (Oregon), May 2, 1988

The 9th Circuit Court held that the Indian Health Service is not exclusively responsible for Indian health care. The court ruled that the IHS fulfilled its responsibility when it aided the parents of the plaintiff in taking advantage of state and local programs to cover medical costs. However, the court said that if the county continues



to deny responsibility, the IHS must pay the cost because county funds are not available. McNabb V. Bowen, et al., No. 86-3711 (9th Cir., Oct. 1, 1987).

#### SOHAPPYS TO BE RELEASED FROM PRISON

American Indian Report, Vol, 4, No. 5, May 1988

The Yakima Indians who gained national attention after being sentenced to five years for fishing law violations, will be released from Geiger Correctional Facility this month.

The U. S. Parole Commission granted David Sohappy Sr. and his son, David Jr., early release. The men had been sentenced to five years after federal convictions of illegally catching and selling salmon from the Columbia River.

Senator Dan Evans (R. Wash.) and Daniel Inouye (D. Hawaii) lobbied on behalf of the Sohappys, and asked President Reagan to commute their sentences.

#### CRIMINAL JURISDICTION

NORTH DAKOTA SUPREME COURT, NORTH DAKOTA V. LITTLEWIND CRIM. No. 870112 (N.D. SUP. CT., DEC. 29, 1987).

American Indian Report, Vol. 5, No. 4, May 1988

The court held that the trial court was right to deny the appellant's motion to suppress evidence based on a claim of illegal arrest.

The appellant, Dallas Littlewind, was arrested by a Fort Totten Bureau of Indian Affairs Officer outside reservation boundaries for "Driving Under the Influence."

The Officer first observed Littlewind driving erratically while on the reservation, but Littlewind would not stop until he was outside the reservation.

The court agreed with the state's argument that although the officer did not have jurisdiction off the reservation, he was within his rights to make a citizen's arrest.

#### ARIZONA COURT ALLOWS STATE COAL TAX ON RESERVATION

American Indian Reporter, Vol. 4, No. 6., June 1988

The Arizona state Court of Appeals ruled on May 10 that Arizona has the right to tax coal operations of the Navajo and Hopi reservations.

The Peabody Coal Co. was trying to get \$42 million in taxes it paid to the state under protest from January 1, 1980 to December 31, 1985. The coal company, which operates two mines on reservation land, said the state does not have the authority to levy taxes on reservation activities.

The company also claimed that the taxes violated federal principles of tribal sovereignty and violated the interstate commerce clause.

The court ruled that the taxes caused no burden on the tribes and did not interfere with tribal sovereignty. The taxes benefited Peabody, its employees and the tribes

through the mandated expenditure of state funds for health, education and welfare, the court ruled.

NEW YORK APPEALS COURT REJECTS MOVE TO HALT BINGO AT TUSCARORA RESERVATION American Indian Report, Vol. 4, No 4, April 1988

The appellate Division of the New York State Supreme Court has rejected the state's request for a temporary restraining order on bingo games at the Tuscarora Reservation.

The Tuscarora Warriors Council started the games in 1987, and there have been several confrontations between pro- and anti-bingo factions of the tribe.

The state is arguing that it has the authority to enforce a ban on bingo enacted by the Tuscarora Council of Chiefs.

The state Supreme Court has ruled that the state's attorney general does not have the authority to enforce Indian tribal laws on the reservation.

A hearing on the case will soon be scheduled.

HIGH COURT TO HEAR WATER CASE

American Indian Report, Vol 4, No. 6, June 1988.

The U. S. Supreme Court has agreed to hear a challenge to a federal decision that effectively expanded Indian water rights. The court will review a ruling that threw out a lawsuit filed by Arizona and California officials.

The 9th U.S. Circuit Court of Appeals upheld an Interior Dept. decision to add 3,500 acres to the Fort Mojave Indian Reservation, which straddles both states, increasing the reservation's share of water from the Colorado River.

The 9th Circuit Court said the government is immune from being sued in the federal courts in this case. "To allow the suit would permit third parties to interfere with the government's discharge of its responsibilities to Indian tribes," the court said.

The government's action was challenged by Arizona and California officials, the Metropolitan Water District of Southern California and the Coachella Valley Water District of California.

State and water district officials say extending the boundaries of the reservation deprives them of their fair share of water. At stake is enough water to supply approximately 500,000 people a year.

SUPREME COURT TO ASK JUSTICE'S VIEW ON BINGO TAX CASE

Indian News, Vol 12, No. 4, March 4, 1988

The Supreme Court has asked the Justice Department's view of a lower court decision exempting the Creek Indian tribe of Oklahoma from paying state sales taxes on its high stakes bingo games. The court said it wants to hear from Reagan administration lawyers before it says whether it will review an attempt by the state to tax revenue



from the Tulsa bingo game. U. S. District Judge James Ellison ruled in December 1985 that the operation is immune from state taxes or jurisdiction because it is on tribal trust land. Last September the 10th U. S. Circuit Court of Appeals ruled the the state could not force the tribe to collect and remit the four percent state sales tax on the bingo operations. The appeals court said the state's interest in collecting the tax is minimal in this case.

## EDUCATION MATTERS

### STUDY RIPS BIA SCHOOLS

Billings Gazette, May 3, 1988

American Indian children educated in schools run by the federal government score worse on standardized tests than 79 percent of students nationwide, a new report says.

The report is the first such compilation of test scores at schools run by the Bureau of Indian Affairs, an Interior Department official said. It was compiled by the bureau itself and has been released to tribes and others for comment.

The report blames many shortcomings on a lack of leadership - sometimes actual lack of leaders as shown by a 33 percent turnover rate among principals, use of acting directors of the office of Indian Education Programs for five out of the past six years and 11 vacancies on the 40-person headquarters staff.

Bureaucratic turf battles also contribute to the problems, it says.

"Collegiality, the act of putting aside vested interests and working for the good of the whole, is found in American's best educational institutions but is often missing in the BIA system, where administrators are sometimes more interested in shoring up and expanding their administrative domain," the report says.

The 260-page document ask tribal leaders, school boards and others to consider an "effective schools" strategy including steps to hold BIA educators more accountable for their students' performance.

It also suggests expanded authority to waive Indian hiring preferences, and loans to educate prospective teachers that would be increasingly forgiven the longer the teacher stayed at work in a bureau school.

The report says pressure to hire Indian teachers - now 41 percent of the teaching staff - means some are poorly trained and "deficient in the basic reading, writing and mathematical skills they were expected to teach." Some of those checked for the study had failed state certification tests, which all teachers now are supposed to pass.

"Matters of budgets, personnel, facilities and other administrative tasks, rather than education itself, preoccupy too many principals," the report said.

"Some BIA teachers seem to begin with the expectation that their students will do poorly...Too many responsible officials in BIA education do not seek to lead but merely get by from day to day."

The bureau educates 37,917 Indian students, about 10 percent of the nation's young Indians. About 30 percent attend boarding schools, and about 30 percent are in schools run by tribes under contract with the bureau.

The best schools barely approach average national scores. Overall the bureau's students ranked in the 21st percentile on standardized tests - that is, they did worse than 79 percent of all children taking the test.

Only one of the bureau's district offices had a single grade above the national median, the 50th percentile. The 27 second-graders of New Mexico's Northern Pueblo district averaged in the 52nd percentile.

Tribal leaders and school boards have had access to their own scores before, but the report provides the first opportunity for one tribe or area to compare its standing with another, said an Interior Department official who discussed the document on condition that he not be identified.

#### INDIAN SCHOOLS FEAR EQUALIZATION THREAT

Billings Gazette, April 30, 1988

Indian educators from across Montana met in Billings Friday to discuss what many consider a threat to the heart of their school systems - state equalization of school funding.

Equalization, if it is imposed by the state as a result of a ruling last January that the current method of school funding is unconstitutional, could create financial hardships for schools with large Indian populations, they said.

Equalization could mean that money that the federal government gives to districts in lieu of taxes for large tracts of Indian land would be figured in when the state decides how much money each district would get.

As a result, Indian impact schools could lose money and lose the quality of education they provide, according to Ivan Small, president of Indian Impact Schools of Montana.

Because of the special problem associated with Indian students - high transportation costs, special language instruction and dealing with problems of poor children - education costs per student are higher, Small said.

For many years, the U. S. government has been supplementing the budgets of school districts with large Indian populations and large chunks of non-taxable land.

Within the law is a provision that will allow states to consider the federal money when attempting to equalize education.

"But it is not simple matter," Dexter Magers, a consultant with the U. S. Department of Education, told the group.

The state must ask the department for certification to equalize and they must meet strict rules before adopting the plan. Before making a final decision, Magers said, the department will hold hearing to give affected school districts a chance to voice their concerns.



Magers said the state has to reapply every year. The certification can also be challenged every year, he said.

The federal government provides districts in the state with a total of \$19 million in aid to Indian impact schools. Another \$3 million in aid goes to school districts affected by other major federal reserves, such as air bases.

The state spends a total of about \$600 million on operating and maintaining schools each year.

Equalization loomed as a threat last January when a state court judge declared the state's current method of funding unconstitutional. The system was challenged by 68 school districts that claimed the system discriminated against districts with lower taxable valuations because they have a more difficult time raising local tax revenue through voted levies to supplement state money.

Several of the districts receiving federal money joined the state in defending the lawsuit and will probably join in any appeal, Small said.

#### EDUCATION - IMPACT AID FUNDS

The following article is reprinted (in part) from the newsletter of the New Mexico Coalition for Indian Education. (In part) In view of Montana's present status on school funding, I felt the article would be of interest.

#### IMPACT AID CAMPAIGN WINS VICTORY:

The 22 Indian school districts in New Mexico will get \$7 million in additional funding starting July from Impact Aid. This victory is the first real one won by the Coalition and by others in the State who are involved in advocacy for Indian education. The result was that on March 4, 1988, Governor Garry Carruthers signed House Bill 21, which takes the 25% Indian add-on funds for Impact Aid out of the statewide equalization formula. Getting these funds to the Indian school districts has been objective Number One for the Coalition for FY 1988.

The Coalition provided valuable support through letter writing, and through helping to prepare the case for funding. The Legislative Education Study Committee, a joint committee of the New Mexico House and Senate, also provided valuable leadership. The Chair of the LESC is Thomas Atcitty, headmaster of the Navajo Academy and a Navajo.

#### MONTANA ADVISORY COUNCIL FOR INDIAN EDUCATION

Bob Parsley, Special Populations Specialist, Montana Dept. of Education

The Montana Advisory Council for Indian Education met in Billings on June 6, 1988 at the Ramada Inn. A full slate of agenda items were discussed including: Project Excellence (proposed changes in state school accreditation standards), admission standards proposed by the Board of Regents, and the Institute for Excellence in Indian Education, a summer teacher training workshop held at Gonzaga University in Spokane on June 20-25. The MACIE group discussed several projects which are currently being planned.

The projects are:

- A slide program dealing with Montana Indians
- An education data collection survey
- A public hearing on Indian Education
- An oral history booklet on Indian education
- A JOM/Title IV parent training manual
- A series of awards for excellence in Indian education

The MACIE group is expected to meet again in September. For more information about MACIE or its projects please contact, Chairperson Norma Bixby (477-6643) or Bob Parsely at (444-3013).

#### INSTITUTE FOR EXCELLENCE IN INDIAN EDUCATION

Bob Parsley, Special Populations Specialist, Montana Dept. of Education

The first annual Institute for Excellence in Indian Education was held June 20-25, 1988 at Gonzaga University in Spokane, Washington. The Institute was sponsored by the Northwest Regional Education Laboratory in Portland, Oregon and the Office of Public Instruction - Indian Education Division in Washington, Oregon and Montana. Approximately 60 teachers from the three states and Idaho participated in the institute which will be held next summer in the State of Montana.

The Institute focused on instructional and motivational techniques that have proven successful with Indian students. In addition the teachers were required to prepare lesson/plans for implementation in their school district next year.

For more information about this years Institute and plans for next summer contact, Joe Coburn Northwest Regional Lab. in Portland (503-275-9500) or Bob Parsley at (444-3013).

#### DUUS NAMED DIRECTOR OF INDIAN EDUCATION

American Indian Report, Vol. 4, No. 5, May 1988

Gloria Duus, Coordinator of the Navajo Artisans Association and former head of the Navajo Office of Women, has been named acting executive director of the National Advisory Council on Indian Education.

Duus replaces Lincoln White, who recently retired. Duus has a bachelor's degree from the University of Utah and a Master's from Northern Arizona University. She currently lives in YahTaHey, N.M. with her husband and two children

#### INDIAN EDUCATION AMENDMENTS SOON TO BECOME LAW

Indian News, Vol. 12, No. 8, April 29, 1988

Sweeping changes in the operation and authorities of Bureau of Indian Affairs' operated schools will come into being when President Reagan signs a bill to improve elementary and secondary education. Popularly know as H.R. 5, Title V of the amendments, Parts A through E (with the exception of C which covers the Department of Education) among other things, prohibits the BIA from terminating, transferring or



consolidating its schools without the approval of the tribal governing body. Without approval of the affected tribe(s), it would take an Act of Congress to change the status of a school. It allows closure of a facility for up to one year for health and safety reasons if "an officer of the Bureau determines that such conditions exist at the Bureau school."

The law also requires that all actions under the new Act be done with "active consultation" with tribes. Consultation is defined as "...a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties." The lengthy amendments will in effect enact some BIA regulations into law so that they can only be changed by Act of Congress and freezes for one year many other BIA regulations; provide a new grant mechanism for funding the now contracted schools; establish a formula for determining the amount of administration costs to be provided for schools that are funded but not operated by the BIA; and micro-manage the program with provisions to expand certain school programs.

One section of the bill provides for grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe. The tribal department of education would assume all assets and functions of the Bureau agency office associated with the tribe insofar as those responsibilities dealt with education. Part E of the Act authorizes the President to call and conduct a White House Conference on Indian Education to be held not earlier than Sept. 1, 1989, and not later than Sept. 30, 1991.

Finally, the Act removes a long-time thorn protested by Indian leaders since its passage and repudiated by at least two Administrations since. It specifically "repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and policy of unilateral termination of Federal relations with any Indian Nation." Passed in 1953, House Concurrent Resolution 108 called for the termination of the Federal Government's relations with Indian tribes. President Nixon's Indian policy message of 1970 called for the Congress to officially reject the Resolution and the 1983 Indian policy message by President Reagan did the same.

(UP DATE: PRESIDENT SIGNED H.R. 5 INTO LAW, MAY 1988)

#### NATIONAL EDUCATION DATA:

Northern Plain Res. & Evaluation Center Two Newsletter, Vol, I, No. 4, April 1988

Northern Plains REC II has just received from the Department of Education, National data that has been made available from the Center for Ed. Statistics. The fifth annual "State Education Statistics" presents state-by-state and national information for 1982 and 1987 on student performance outcomes, resource inputs, state reforms and population characteristics.

The release of this information provides an opportunity to assess our nations' progress in educating our children. According to William J. Bennett, U. S. Secretary of Education, This year, the news is not what it should be: test scores are in a "dead stall."

Are you interested in the Education Process? I think this data is a must for REC II grantees. Write and request this packet of information, we will be glad to send it to you.

#### ANNOUNCEMENTS - PUBLICATIONS AVAILABLE

##### LEGAL RIGHTS MANUAL READY TO DISTRIBUTE

Advocate's Voice, Vol. 5, No. 1, March 1987

The revised and updated MAP publication Rights of Developmentally Disabled Montanans has gone to press, and will be distributed within the next few weeks. The manual will reflect changes in Montana law enacted by the 1987 legislature, and will include the most up-to-date information available about the legal rights of persons with disabilities.

The manual will be mailed, free of charge, to all persons who hold a copy of the current manual, and to anyone who requests the updated version.

Rights of Developmentally Disabled Montanans explains clearly and simply how Montana law applies to persons with disabilities. It is a valuable tool for persons with disabilities, their families, social service workers, teachers and school administrators, workshop staffs, group home staffs, attorneys, judges and advocates.

The manual contains chapters on Accessibility, Community Services, Discrimination, Employment, Guardianships and Conservatorships, Individual Rights, Institutional Services, Social Security, Special Education and Zoning.

##### ALCOHOL AND DRUG INFORMATION

The National Clearinghouse for Alcohol and Drug Information provides information and services to anyone with questions or concerns about any type of drug problem including alcohol abuse, illicit drug use, and misuse of prescription drugs. Specifically, NCADI offers: printed materials, most of which are free; reference and referral services; and networking support. Printouts of frequently requested reference materials are available. Contact: NCADI, P. O. Box 2345, Rockville, MD 20852. (301-468-2600).

##### NORTHWEST NATIVE AMERICAN LITERARY DIRECTORY

A group of Indian writers and poets are forming an organization called "Northwest Native American Writers". Membership is open to Native American writers of Washington, Oregon, Idaho, Montana, Alaska and possibly Northern California and Canada, as well as Native American writers from other nations who reside in the Northwest. The organization is presently working on a directory. For more information contact Northwest Native American Writers, P. O. Box 6403, Portland, OR 97228-6403.

##### PUBLICATIONS AVAILABLE



## Linkages for Indian Child Welfare Programs

Handbook: State-Tribal Relations. A handbook prepared by the American Indian Law Center for the Commission on State-Tribal Relations. The 77-page text includes a chapter (pages 51-67) outlining a process through which state/tribal agreements might be developed. This section is relevant to tribes attempting to negotiate Indian Child Welfare agreements with their states.

Information concerning copies may be obtained from AILC, Box 4456, Station A, Albuquerque, NM 87196 (505-277-5462)

1980 PROFILE OF THE MONTANA NATIVE AMERICAN, available from Coordinator of Indian Affairs Office, 1218 6th Ave., Helena, MT 59620, (444-3702)

## PUBLICATIONS FROM ARROWSTAR PUBLISHING

American Native Press Archives, News Release, No. 4, April 15, 1988

Arrowstar Publishing has two publications of interest: Gregory W. Frazier's, The American Indian Index A Directory of Indian Country, USA and Betty Windy Boy's: WOMAN'S JOB SEARCH STRATEGY: OR HOW TO KEEP THE WOLF AWAY FROM THE DOOR. The first contains census information, dates of pow-wows and other Indian events, locations of Indian museums and cultural centers, all Indian tribes and Alaska Native Corporations, national Indian organizations, federal and local offices of the Bureau of Indian Affairs, Indian Health Services, and Indian Housing, local services for alcoholism treatment, employment, child welfare, education, health and specialized social services, state Indian commissions, Indian publications, and Indian arts and crafts outlets. The second work deals with such matters as career development strategies, women's "Boot Strap Theory," resume preparation, interviewing, nailing down the "good" job; and tips for the woman searching for a career. Write to Arrowstar Publishing, 10134 University Park Station, Denver, CO 80210

## HANDICAPPED ACT AMENDMENTS (copies available)

Northern Plains Res. & Ev. Ct. Two Newsletter, Vol 1, No. 4, April 1988

The Council for exceptional Children has made available copies of amendments to the Education of the Handicapped Act of 1986m - P.L. 99-457; the State Grant Program P.L. 94-142; and the Rehabilitation Act Amendment of 1986, P.L.95-506.

Copies may be obtained from CENTER II by calling toll free 1-800-437-8054, or N.D. 1-800-932-8997 or CEC.

## AMERICAN DIETETIC ASSOCIATION

Health Information Bulletin, Vol. II, No. 1, March 1988

The American Dietetics Association has current information available in the field of nutrition and dietetics. A catalog of educational resources may be obtained from: American Dietetic Association, 208 South LaSalle Street, Suite 1100, Chicago, IL 60604-1003.

## NANACOA FORMED TO HELP BREAK 'CYCLE OF ADDICTION' IN INDIAN FAMILIES

NIHB Health Reporter, Vol. 4, No. 8, April, 1988 (in part)

Over seventy Indian people from thirty different tribes, concerned about the multi-generational effect of alcoholism and drugs on Indian families and communities, recently formed the National Association of Native American Children of Alcoholics (NANACOA). The new organization, which was created at the 4th Annual National Convention on Children of Alcoholics meeting in New Orleans, plans to provide information and support to Indian children of dysfunctional families.

For more information about the newly organized National Association of Native American Children of Alcoholics contact JoAnn Kauffman, NANACOA Chairman, % Seattle Indian Health Board, P. O. Box 3364, Seattle, WA 98104 (206-324-9360)

#### FILMS AVAILABLE

##### VIDEO TAPE ILLUSTRATES CAREER CHOICES FOR DISABLED INDIANS

The Native American Research and Training Center at Northern Arizona University recently produced a video tape called "Making choices."

This tape illustrates vocational and employment choices for Native Americans who are disabled and in transition from school to work. The tape is available in VHS format for \$30 and in 3/4 inch format for \$40. For more information, contact Marilyn Johnson, Native American Research and Training Center, Box 5630, Northern Arizona University, Flagstaff, AR 86011.

The Spirit Bay Series - A series of 13 programs on contemporary Native American youth, adventures & customs. Call or write: Beacon Films, P. O. Box 575, Norwood, MA 02062 - (800)322-3307.

Tales of Wesakechak, - Canadian Cree Legends Ni'bthaska of the Umonhon - 3 part series of the Omaha "Journey to the Sky: History of the Alabama Coushatta "Oscar Howe: The Sioux Painter; "Ancient Spirit, Living Word: The Oral Tradition"; Trouble on Big Mountain". Available from: Native American Public Broadcasting Consortium, call & request Catalogue: John Cutler (402)472-3611.

#### LOAN PROGRAM

##### MUSEUM LOAN PROGRAM

Northern Plains Res. and Eval. Center II, Newsletter, Vol. 1, No. 4, April, 1988.

The American Indian Program at the Museum of Natural History, Smithsonian Institution, Washington, D. C. is seeking to increase the use of and visitation to the collections by Indian people. The program is especially interested in collaborative projects between reservations and native community institution and the Smithsonian. Projects could include exhibits, loans to tribal museums, and tribally initiated research projects.



Interested parties should contact: JoAllyn Archambault, Ph.D., Director, American Indian Programs, National Museum of Natural History, NHB 112, Smithsonian Institution, Washington, DC 20560 (202-357-4760)

#### PARENTING

Northern Plains Resource and Evaluation Center Two, Newsletter, Vol. 1, No. 4, April, 1988

"Becoming a Nation of Readers, What Parents Can Do" is a booklet available from the Consumer Information Center, Pueblo, Colo 81009. Multiple copies available from D.C. Health & Co., Dept. 6243, 95 Hayden, Ave., Lexington, Mass 02173

#### ADOPTION

The American Indian Services in Sioux Falls, SD, has initiated a NATIVE ADOPTION RECRUITMENT PROGRAM which is identifying and recruiting potential Native American adoptive families in South Dakota and other states. The program is funded by the State of South Dakota. For information, contact: AIS, 331 North Philips, Sioux Falls, SD 57102 (605-334-4060)

#### ADOPTIVE FAMILIES

The Seattle Indian Center maintains an average listing of approximately 20 Indian families who are waiting to adopt an Indian Child. In addition, the Center's Family Services program does a lot of relative searches in which they work to identify extended family members who might be able to provide an in-family home for a child who can no longer live with his biological parents. Last year, the Center worked with 66 Native agencies and successfully assisted in reunifying 41 Indian children with their extended families. These reunifications included situations where the Indian parents themselves had been adopted.

For information, contact: Ramona Bennette, Family Services Program, Seattle Indian Center, 2222 Second Avenue, Seattle, WA 98121 (206-728-8700)

#### CONFERENCES - MEETINGS

Eighth Annual National American Indian Cultural Curriculum Development Workshop, making education relevant for contemporary Indian Youth, July 25-29, 1988, Albuquerque, NM, contact Central Registration Service, Continuing Education and Public Service, The University of Oklahoma, 1700 Asp Ave., Norman Oklahoma 73037 (405)325-2248

1988 TEKAKWITHA INSTITUTE RETREAT SCHEDULE:: call 406-727-0147 for information.

Native Spiritual Way retreat, July 6 -10, Great Falls-Wisconsin-Madison,  
Catechist Training II, July 10 - 22, Denver  
Catechist Training III, July 10 22, Milwaukee

#### SUMMER STUDY TOURS AT EASTERN MONTANA COLLEGE

Student Services News, Vol. 8, No. 6, 1988

This summer Eastern Montana College will offer summer study tours under the direction of Dr. Adrian Heidenreich of the Native American Studies program. On July 6, through the 13th the group will visit the historic sites of Central and Southwestern Montana. The group will visit such places as Virginia City, Madison Buffalo Jump, Big Hole Battlefield and many other places.

Historical sites of Southeast Montana and Eastern Wyoming will be the subject of the tour beginning on July 22nd through the 29th. The many visits will include Red Lodge, Medicine Wheel, Oregon Trail Ruts, Custer Battle Field and Fort Laramie.

On August 3rd through the 11th the group will examine the historic sites of Eastern and Central Montana. Visits will include the Charles Russell Museum, Fort Peck Dam, Fort Benton, Bear Paw Battlefield and many other places.

The cost of each workshop is \$375.00 a piece. The cost covers lodging, transportation, entrance fees and three credit registration through EMC. For more information contact Professor C. Adrian Heidenreich at EMC, 657-2227, or Pat Chilton of the Montana Automobile Association.

#### NCAI CONVENTION

The 45th Annual NCAI Convention will be held October 24-28 at the Ramkota Inn, Sioux Falls, South Dakota. In October of 1989, the 46th Annual Convention will be held in Oklahoma City, Oklahoma. For information about these meetings, contact NCA at (202) 546-9404

#### NIEA STUDENT ASSOCIATION 20TH CONFERENCE

Student Services News, Vol. 8, No. 6, April 1988.

The National Indian Education Association (NIEA) recently announced that it's 20th Annual Conference will be held November 13th through 17th, 1988, in Tulsa, OK. The theme of this year's conference is "INDIAN YOUTH: LEARNERS TODAY....LEADERS TOMORROW."

#### UPCOMING EVENTS

July 7 - 10 Indian Days, Browning, MT  
July 14 - 17 Pow-wow Elmo, MT  
July 15 - 17 Pow-wow, Ft Peck, Poplar, MT  
August 2 - 7 Pow-wow, Rocky Boy, Box Elder, MT  
August 18 - 23 Crow Fair, Crow Agency, MT  
August 25 - 28 Oil Celebration Pow-Wow, Poplar, MT  
September 1, Labor Day Pow-wow, N. Cheyenne, Lame Deer, MT  
October 24 - 28, National Conference of American Indians, Sioux Falls, SD



November 10 - 13 AISES 10th Annual Conference, Dallas, TX  
November 12 - 14 12th Annual American Indian Film Festival, San Francisco, CA

#### GRANTS - SCHOLARSHIPS -DEVELOPMENT FUNDS

DEVELOPMENT FUNDS OFFERED, FOUNDATION WANTS TO HELP DISADVANTAGED COMMUNITIES, POOR,  
Independent Record, 5/5/88

The Minnesota based Northwest Area Foundation is actively seeking ways to give money away, but only if the proposed programs promote economic development or create wealth for low-income people and disadvantaged communities, its senior program officer said Wednesday.

Bobbie Henrie said she came to Montana "to find new grantees and programs that fit our activities."

Specifically, she came to visit the Northern Cheyenne Indian Reservation to review a tribal request for a grant funding an economic plan. She said the plan is designed to support the creation of new businesses now that the Indians no longer depend on coal.

It has not been determined yet how much the Cheyenne need for the study. Henrie estimated that the request would be between \$50,000 and \$60,000. A decision on the request will be made in two to four months, she said. "I have to learn who really would use and want this study. If the answer is not solid, our board won't make the grant."

The foundation is committed to the welfare of eight states: Montana, Minnesota, Iowa, North and South Dakota, Idaho, Washington and Oregon. "We are unlike many other foundations in that we are interested in public policy," Henrie said. Public policy decisions tend to come from the East Coast, she said. Governors in the eight state area served by the foundation are only now beginning to ask for public policy research, she said. The foundation is trying to get the area "into the mainstream of what is happening in the United States," Henrie said. It was established in 1934 by Louis W. Hill, son of James J. Hill, who built the Great Northern Railway. Known originally as the Lexington Foundation, it later was called the Louis W. and Maud Hill Family Foundation.

The name was changed to Northwest Area Foundation in 1975 to reflect the foundation's commitment to the region that provided its original resources and its growth beyond the scope of the traditional family foundation.

Presently Northwest Area grants to Montana include \$30,000 to the Alberta Bair Theater to supports programming; \$70,000 to Montana State University to study the interaction of Canadian and Montana economies; and \$134,400 to Alternative Energy Resources Organization in Helena to develop and disseminate information on resource-conserving, cost-cutting agricultural practices for farmers and ranchers. The foundation made 111 grants totaling almost \$11 million in the fiscal year ending Feb. 29, 1988.

#### RURAL HOUSING

Rural Housing Service, Inc., a subsidiary of HAC that develops rural multi-family rental housing through syndication, is looking for viable projects for 1988 and 1989. RHS will enter into a joint venture with community-based non-profit organizations or public bodies. Contact Lawrence Anderson, RHS, 1025 Vermont Avenue, Suite 606, Washington, DC 20005 (202-842-8600)

#### PENN STATE OFFERS FELLOWSHIPS FOR AMERICAN STUDENTS

Winter Count, Volume 1, No. 4, Summer, 1988., MSU. Bozeman

The 3 following scholarships were announced in WINTER COUNT

Penn State is offering graduate fellowships to American Indian Students interested in special education training. The deadline for submitting applications is November 15 for spring semester 1989. Contact Dr. Anna Gagar, 226B Moore Bldg., University Park, PA 16802, or call (814) 863-2284.

The Association on American Indian Affairs (AAIA) will accept application from July 1 through September 16, 1988, for the Sequoyah Fellowship Program for American Indian and Alaska Native Graduate Students. For more information contact Arlene Hirschfelder or Vali Kauke at (212)689-8720 or write Sequoyah Fellowship Program, Scholarship Coordinator, Association on American Indian Affairs, 95 Madison Ave., New York, NY 10016

Council of Energy Resource Tribes (CERT), 1580 Logan Street, Suite 400, Denver, CO 80203. Contact Lucille Echohawk. Open to American Indian Undergrads in the fields of engineering science, business or related fields. One year scholarship. Deadline August 1.

#### FINANCIAL AID GUIDE FOR MINORITY STUDENTS

The Garrett Park Press has published a new series of booklets on financial aid opportunities for minority students. The booklets present information on awards available for graduates and undergraduates. They include a directory of available awards as well as citing sources of additional assistance. For more information, write, Garrett Park Press, P. O. Box 190F, Garrett Park, MD 20896

#### SCOTTSDALE NATIVE AMERICAN INDIAN CULTURAL FOUNDATION ANNOUNCES SCHOLARSHIP

SNAICF is the recipient of a scholarship donated by the National Education Centers in the field of commercial art. The scholarship is valued at approximately \$9500 and will be awarded to a qualified Native American student through the Foundation for the school year beginning in the Fall of 1988. Persons interested in applying for the scholarship are invited to call or write the Foundation office for an application. (P.O. Box 8667, Scottsdale, AZ 85252-8667 (602)946-4228.

#### BURGER COMMISSION EDUCATION GRANT

The Burger Commission has a Bicentennial Education Grants program for improving elementary and secondary teaching on the Constitution and Bill of Rights. For



information contact the Commission on the Bicentennial of the United States Constitution, 736 Jackson Place, N. W., Washington, D.C. 20503

SOURCES OF FINANCIAL AID AVAILABLE TO AMERICAN INDIAN STUDENTS.

Northern Plains Resource and Evaluation Center Two, Newsletter, Vol. 1, No. 4, March 1988

Order from: Indian Resource Development, Box 3, IRD New Mexico State University, Las Cruces, NM 88003. (505)646-1374

A Selected List of Fellowship Opportunities and Aids to Advanced Education: Order from: The Publication Office, National Science Foundation, 1800 G. St. NW., Washington, DC 20550

MONTANA STATE SCHOLARSHIPS:

The Center for Native American Studies, at Montana State University has available two scholarship programs for Native American Students. The Phyllis Berger Memorial Scholarship is offered to a 1st yr. graduate student for 1 yr. study. The Patricia Roberts Harris Fellowship Program has available five fellowships for Native Americans wishing to pursue a MPA degree in preparation for federal public service. For further information contact Bobby Wright, Director CNAS, 2-152 Wilson Hall, MSU, Bozeman, MT 59717 (406) 994-3881

POSITIONS AVAILABLE

The University of Wisconsin is seeking an established scholar with administrative experience, to further develop and direct the American Indian Studies Program (AISP) at the University of Wisconsin-Madison beginning January, 1989. Duties will include teaching and research in some aspect of American Indian studies and program development and administration of the AISP: Contact Michael Olneck, Dept. of Education Policy Studies, 221 Education Building, University of Madison, WI 53706 (608-262-6283)

University of Montana, Head of Design/Technical area in Drama, Contact Dr. Randyu Bolton, Chairman, Dept. of Drama/Dance, Performing Arts/Radio-TV Center, U of M, Missoula, MT 59812. Deadline for Applications July 13, 1988.

University of Montana, Director of Alumni Relations, Contact Dr. Shelia M. Stearns, V.P. of University Relations, U of M, Missoula, MT 59812

University of Montana, two positions Assistant/Professor, Dept. of Communications Sciences and Disorders. Contact: Barbara Bain, Ph.D., Chair, Communication Sciences and Disorders, U of M, Missoula, MT 59812, (406)243-4131

University of Montana, Assistant Professor, Microbiology/Medical Technology, Qualification Ph.D. & postdoctoral, or equivalent experience required. Starting date September, 1988. Contact: George L. Card, Dept. of Microbiology/Search, University of Montana, Missoula, MT 59812, (406)243-4582.

EASTERN MONTANA COLLEGE, Fixed Term Faculty, Native American Studies: Sociology, Political Science and Native American Studies, Start date, September 14, 1988. Contact Kathleen B. Hicks, Personnel Office, Eastern Montana College, 1500 N. 30th Street, Billings, MT 59101-0298 (406)657-2278.

WASHINGTON STATE UNIVERSITY, Department of Economics, Tenure-track Assistant Professor, beginning August 16, 1989, Application deadline Oct. 15, 1988. Contact: Professor Fred Inaba, Recruiting Committee, Dept. of Economics, Washington State University, Pullman, WA 99164-4860

U. S. Dept. of Labor, Denver Reg. Office: Apprenticeship & Training Representative, Contact ETA, Bureau of Apprenticeship & Training, Colorado State Office, Denver, Co, 303-844-2031 Gale Johnson

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INTERNSHIP: The Smithsonian Institution, Office of Public Affairs, is accepting applications for a one-year American Indian/Alaska Native Internship beginning September 6, 1988. Experience in journalism or public relation preferred. Contact: Ink Mendelsohn, Office of Public Affairs, Smithsonian Institution, Washington, DC 20560 (202-357-2627)

LATE BULLETIN:

CHIEF VOTED OFF BLACKFEET COUNCIL  
Great Falls Tribune, June 30, 1988 (in part)

Earl Old Person, chief of the Blackfeet Indian Reservation and a 34-year member of the tribal business council, lost his bid for re-election to the council in Tuesday's tribal election.

In unofficial returns tabulated Wednesday, Old Person trailed challenger Charles DeRoche by 43 votes, 1,322 to 1,365.

The position is one of nine council seats, all of which were up for election. Only two incumbents were returned to the council, where members serve two year terms. Incumbents Bernard St. Goddard and Marvin Weatherwax fought off challenges to retain their seats.





